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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,609	10/18/2005	Giuseppe Maffeis	72008	5996
<div>23872 7590 10/22/2007</div> <div>MCGLEW & TUTTLE, PC</div> <div>P.O. BOX 9227</div> <div>SCARBOROUGH STATION</div> <div>SCARBOROUGH, NY 10510-9227</div>				
			EXAMINER	
			KRAMER, DEAN J	
			ART UNIT	PAPER NUMBER
			3652	
			MAIL DATE	DELIVERY MODE
			10/22/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/553,609

Applicant(s)

MAFFEIS, GIUSEPPE

Examiner

Dean J. Kramer

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 October 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/18/05</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

1. Claim 2 is objected to because of the following informalities: In claim 2, line 7, it appears that the word "from" should be changed to --form--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

There is no clear antecedent basis for "said body" (claim 1, line 2), "the housing chamber" (claim 1, lines 8 and 9), "the means to receive and guide" (claim 1, line 9), "the sliding surface" (claim 2, line 8), "said support" (claim 3, line 8 and claim 7, line 7), "the support base" (claims 6, 9, 10, and 11), or "the intermediate section" (claims 6, 9, 10, and 11).

The exact meanings of the following phrases are not clearly understood: "realized and finished" (claim 1, lines 7 and 8), "overlooked by two shoulders" (claim 2, line 3), and "is associated" (claim 5, line 4).

Claim 2 is confusing in that it is unclear whether "said chamber", as recited in line 8, is referring to the chamber set forth in claim 1, line 2 or the chamber set forth in claim 2, line 7.

The preambles of dependent claims 3 and 5-11 are not consistent with the preamble of independent claim 1 from which they all ultimately depend.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1, as understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakashima et al. (4,565,400) in view of Broderon et al. (3,147,993).

The patent to Nakashima et al. shows a pneumatic gripper comprising two pivotable grips (21,22), a piston actuator (25), two jaws (29,30), and a drive (34). While this drive lever (34) pivots relative to the grips, it does not strictly move in a "transverse manner" as is called for in claim 1 of the instant application.

However, the Broderon et al. patent shows a pneumatic actuator that moves a drive (36) in a transverse direction such that this transverse movement drives a pair of grips (26,28) between an open and closed position.

Accordingly, it would have been obvious to one of ordinary skill at the time the invention was made to replace the lever drive assembly of Nakashima et al. with a

slidable rack similar to that shown in the Broderson et al. patent as an alternative yet functionally equivalent means of transferring the linear motion of the pneumatic actuator into rotational motion of the grips that would take up less space in the housing.

Regarding the limitations in claim 1 reciting the process by which the body is made, "[E]ven though product-by-process claims are limited by and defined by the process, determination of patentability is based on the product itself. The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior art product was made by a different process". *In re Thorpe*, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985).

6. Claim 6, as understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakashima et al. in view of Broderson et al. as applied to claim 1 above, and further in view of Maffeis et al. (6,273,485).

The patent to Maffeis et al. shows a pneumatic gripping assembly comprising a base (15) having through holes (see phantom lines in claim 4) capable of accommodating anchoring screws and longitudinal grooves along its intermediate portion (see Figs. 3-5) capable of accommodating accessories.

It would have been obvious to a person having ordinary skill in the art to provide mounting holes and longitudinal grooves on the body of the modified Nakashima et al. device, as was presented above in section 5, as taught by Maffeis et al. in order to mount the body onto a robot arm and conveniently support hoses or wires along its intermediate section.

Allowable Subject Matter

7. Claims 2-5 and 7-11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Specification

8. The abstract of the disclosure is objected to because it contains legal phraseology such as "means" which should be avoided. Correction is required. See MPEP § 608.01(b).

9. The disclosure is objected to because of the following informalities:

There is no Brief Description of Figure 11.

On page 4, line 23, the term "ach" should be changed to --each--.

On page 5, line 4, the reference number "26" should be changed to --24--.

On page 5, line 25, "wh els" should be changed to --wheels--.

On page 6, line 1, "ov rhangs" should be changed to --overhangs--.

On page 6, line 23, "th" should be changed to --the--.

On page 7, line 1, the reference number "20" should be changed to --40--.

Appropriate correction is required.

Drawings

10. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the two jaws fixed to the grips, as recited in claim 1, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Priority

11. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Italy on 5/22/03. It is noted, however, that applicant has not filed a certified copy of the Italian application as required by 35 U.S.C. 119(b).

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


likura shows a pair of pivotable grips driven by a piston actuated rack.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dean J. Kramer whose telephone number is (571) 272-6926. The examiner can normally be reached on Mon., Tues., Thurs., Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on (571) 272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3652

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

 10/18/07
Dean J Kramer
Primary Examiner
Art Unit 3652

djk
10/18/07